



(3)

## DECLARATION FOR PATENT APPLICATION

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

- I believe (check one) [ ] I am the original, first and sole inventor  
[ X ] I am a joint inventor and the below named inventors are the  
original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

### **SYSTEMS AND METHODS FOR USING DISTRIBUTED INTERCONNECTS IN INFORMATION MANAGEMENT ENVIRONMENTS**

the specification of which

- (check one) [ ] is attached hereto.  
[ X ] was filed on November 2, 2001,  
as Application Serial No. 10/003,683,  
and was amended on \_\_\_\_\_  
(if applicable)

I further declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Number	Country	Day/Month/Year Filed	Priority Claimed Yes      No
_____	_____	_____	X

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application listed below:

<u>Provisional Application Serial No.</u>	<u>Filing Date</u>
60/285,211	April 20, 2001
60/291,073	May 15, 2001
60/187,211	March 3, 2000
60/246,401	November 7, 2000
60/246,373	November 7, 2000

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (patented, pending, abandoned)</u>
09/879,810	June 12, 2001	Pending
09/797,200	March 1, 2001	Pending
09/797,404	March 1, 2001	Pending

Address all correspondence and telephone calls to the following:

William W. Enders  
O'KEEFE, EGAN & PETERMAN  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, TX 78746  
(512) 347-1611  
(512) 347-1615 (Fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Theodore S. Webb

Inventor's Signature Theodore S. Webb Date 3/27/02

Residence: 8909 Marybank Drive, Austin, TX 78750

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of second joint inventor: Gregory J. Jackson

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 501 Madrone Canyon Drive, Dripping Springs, TX 78620

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of third joint inventor: Scott C. Johnson

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 3612 Galena Hills Loop, Round Rock, TX 78681

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of fourth joint inventor: Brian J. Pellerin

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 12504 Stapp Court, Austin, TX 78732

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of fifth joint inventor: Chaoxin C. Qiu

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 10720 Bramblecrest Drive Austin, TX 78726

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of sixth joint inventor: Roger K. Richter

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 15248 Faubion Trail Leander, TX 78641

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)



(3)

## DECLARATION FOR PATENT APPLICATION

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[ X ] I am a joint inventor and the below named inventors are the  
original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

### **SYSTEMS AND METHODS FOR USING DISTRIBUTED INTERCONNECTS IN INFORMATION MANAGEMENT ENVIRONMENTS**

the specification of which

- (check one) [ ] is attached hereto.  
[ X ] was filed on November 2, 2001,  
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and was amended on \_\_\_\_\_.  
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Prior Foreign Application(s) Number	Country	Day/Month/Year Filed	Priority Claimed Yes      No
_____	_____	_____	X

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60/187,211	March 3, 2000
60/246,401	November 7, 2000
60/246,373	November 7, 2000

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (patented, pending, abandoned)</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Theodore S. Webb

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 8909 Marybank Drive, Austin, TX 78750

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of second joint inventor: Gregory J. Jackson

Inventor's Signature Gregory J. Jackson Date 3-7-02

Residence: 501 Madrone Canyon Drive, Dripping Springs, TX 78620

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of third joint inventor: Scott C. Johnson

Inventor's Signature Scott C. Johnson Date 3-7-2002

Residence: 3612 Galena Hills Loop, Round Rock, TX 78681

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of fourth joint inventor: Brian J. Pellerin

Inventor's Signature Brian J. Pellerin Date 3/7/02

Residence: 12504 Stapp Court, Austin, TX 78732

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of fifth joint inventor: Chaoxin C. Qiu

Inventor's Signature *Chas. C. W.* *5/7/2002*  
Date

3/7/2002

Date

Residence: 10720 Bramblecrest Drive Austin, TX 78726

Citizenship: U.S.

Post Office Address: Same  
(enter "same" if mailing address is same as residence address)

Full name of sixth joint inventor: Roger K. Richter

Inventor's Signature K. Kachan Date 3/7/02

3/7/00

~~#~~ Date \_\_\_\_\_

Residence: 15248 Faubion Trail Leander, TX 78641

Citizenship: U.S.

**Post Office Address:** Same  
(enter "same" if mailing address is same as residence address)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Theodore S. Webb et al.

Filed: November 2, 2001

For: SYSTEMS AND METHODS FOR USING DISTRIBUTED INTERCONNECTS  
IN INFORMATION MANAGEMENT ENVIRONMENTS

Serial No.: 10/003,683

Group Art Unit: Unknown

Examiner: Unknown

Atty Dkt: SURG:162

Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date below:

4-4-02 Marty Bower  
Date Name

Assistant Commissioner For Patents  
Washington, D.C. 20231

**ELECTION UNDER 37 C.F.R. §§3.71 AND STATEMENT UNDER 3.73  
AND POWER OF ATTORNEY**

Sir:

The undersigned being Assignee of record of the entire interest in the above-identified application by virtue of an assignment that has been filed in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventor. A statement under 37 C.F.R. 3.73(b) is also included below.

The Assignee hereby revokes any previous Powers of Attorney and appoints Robert M. O'Keefe, Reg. No. 35,630; Richard D. Egan, Reg. No. 36,788; Brian W. Peterman, Reg. No. 37,908, William W. Enders, Reg. No. 41,735, and Maximilian R. Peterson, Reg. No. 46,469, each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, LLP, as its attorney for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one

year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. §3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to ***Surgient Networks, Inc.***, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to 37 C.F.R. §3.73(b), ***Surgient Networks, Inc.***, a corporation, states that it is the assignee of the entire, right, and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above. The assignment has been filed in the United States Patent and Trademark Office as set forth below.

Please direct all communications as follows:

***William W. Enders***  
O'KEEFE, EGAN & PETERMAN, LLP  
1101 Capital of Texas Highway South  
Building C, Suite 200  
Austin, Texas 78746  
512/347-1611  
FAX 512/347-1615

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

ASSIGNEE:

***SURGIENT NETWORKS, INC.***

By: \_\_\_\_\_

Name: Scott C. Johnson  
Title: Chief Technical Officer

Date: 4/3/2002

ASSIGNMENT:

- Filed concurrently herewith (copy enclosed)  
 Previously filed [date](copy enclosed)  
 Previously recorded  
Date: \_\_\_\_\_  
Reel: \_\_\_\_\_  
Frame: \_\_\_\_\_

## ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Surgent Networks, Inc. (the "Assignee"), being incorporated under the laws of the State of Delaware, having a place of business 8303 North Mopac, Suite C-300, Austin, Texas 78759-8374, the entire right, title and interest for the United States and all foreign countries in and to any and all improvement which are disclosed in the application Serial Number 10/003,683 entitled "SYSTEMS AND METHODS FOR USING DISTRIBUTED INTERCONNECTS IN INFORMATION MANAGEMENT ENVIRONMENTS," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature):

Theodore S. Webb

Date:

3/27/02

State of Texas )

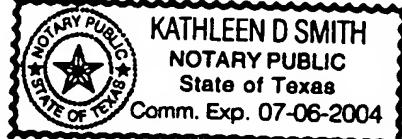
)

County of Travis )

BEFORE ME, the undersigned authority, on this 27th day of March, 2002 personally appeared Theodore S. Webb, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Kathleen D Smith  
Notary or Consular Officer

[SEAL]



(Signature): \_\_\_\_\_ Date: \_\_\_\_\_  
Gregory J. Jackson

State of Texas        )  
                        )  
County of \_\_\_\_\_ )

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
personally appeared Gregory J. Jackson, known to me to be the person whose name is subscribed to the  
foregoing instrument and acknowledged to me that he executed the same of his own free will for the  
purposes and consideration therein expressed.

\_\_\_\_\_  
Notary or Consular Officer

[SEAL]

(Signature): \_\_\_\_\_ Date: \_\_\_\_\_  
Scott C. Johnson

State of Texas        )  
                        )  
County of \_\_\_\_\_ )

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
personally appeared Scott C. Johnson, known to me to be the person whose name is subscribed to the  
foregoing instrument and acknowledged to me that he executed the same of his own free will for the  
purposes and consideration therein expressed.

\_\_\_\_\_  
Notary or Consular Officer

[SEAL]

(Signature): \_\_\_\_\_ Date: \_\_\_\_\_  
Brian J. Pellerin

State of Texas        )  
                        )  
County of \_\_\_\_\_ )

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
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foregoing instrument and acknowledged to me that he executed the same of his own free will for the  
purposes and consideration therein expressed.

\_\_\_\_\_  
Notary or Consular Officer

[SEAL]

(Signature): \_\_\_\_\_ Date: \_\_\_\_\_  
Chaoxin C. Qiu

State of Texas        )  
                        )  
County of \_\_\_\_\_ )

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Chaoxin C. Qiu, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Notary or Consular Officer

[SEAL]

(Signature): \_\_\_\_\_ Date: \_\_\_\_\_  
Roger K. Richter

State of Texas        )  
                        )  
County of \_\_\_\_\_ )

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Roger K. Richter, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Notary or Consular Officer

[SEAL]

## ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Surgent Networks, Inc. (the "Assignee"), being incorporated under the laws of the State of Delaware, having a place of business 8303 North Mopac, Suite C-300, Austin, Texas 78759-8374, the entire right, title and interest for the United States and all foreign countries in and to any and all improvement which are disclosed in the application Serial Number 10/003,683 entitled "SYSTEMS AND METHODS FOR USING DISTRIBUTED INTERCONNECTS IN INFORMATION MANAGEMENT ENVIRONMENTS," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature): \_\_\_\_\_ Date: \_\_\_\_\_  
Theodore S. Webb

State of Texas                )

                               )

County of \_\_\_\_\_ )

BEFORE ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared Theodore S. Webb, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Notary or Consular Officer

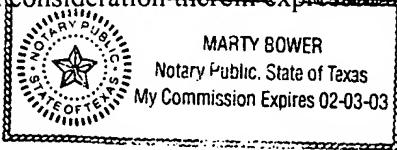
[SEAL]

(Signature): Gregory J. Jackson  
Gregory J. Jackson

Date: 3-7-02

State of Texas )  
County of Tarrant)

BEFORE ME, the undersigned authority, on this 7 day of March, 2002 personally appeared Gregory J. Jackson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Marty Bower  
Notary or Consular Officer

[SEAL]

(Signature): Scott C. Johnson  
Scott C. Johnson

Date: 3-7-2002

State of Texas )  
County of Tarrant)

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[SEAL]

Marty Bower  
Notary or Consular Officer

(Signature): Brian J. Pellerin  
Brian J. Pellerin

Date: 3/7/02

State of Texas )  
County of Tarrant)

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Marty Bower  
Notary or Consular Officer

[SEAL]

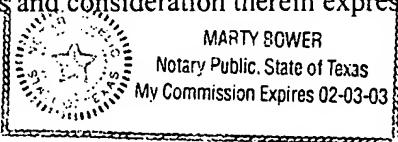
(Signature): Chaoxin Qiu  
Chaoxin C. Qiu

Date: 3/7/2002

State of Texas )  
County of Tarrant)

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[SEAL]



Marty Bower  
Notary or Consular Officer

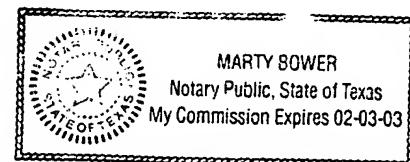
(Signature): Roger K. Richter  
Roger K. Richter

Date: 3/7/02

State of Texas )  
County of Tarrant)

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purposes and consideration therein expressed.

[SEAL]



Marty Bower  
Notary or Consular Officer



VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN

DOCKET NO.  
SURG:162

Applicant or Patentee: Surgient Networks, Inc.

Application No.: 10/003,683

Title: SYSTEMS AND METHODS FOR USING DISTRIBUTED INTERCONNECTS IN INFORMATION MANAGEMENT ENVIRONMENTS

I hereby declare that I am:

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:

SURGIENT NETWORKS, INC.

ADDRESS OF SMALL BUSINESS CONCERN:

8303 North Mopac

Suite C-300

Austin, TX 78759-8374

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the

invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- no such person, concern or organization exists.  
 each such person, concern or organization is listed below:

Separate verified statement is required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

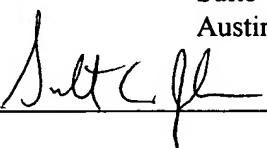
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Scott C. Johnson

TITLE OF PERSON IF OTHER THAN OWNER: Chief Technical Officer

ADDRESS OF PERSON SIGNING: 8303 North Mopac  
Suite C-300  
Austin, TX 78759-8374

SIGNATURE:  DATE: 3-7-2012